

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHIRLEY L. PHELPS-ROPER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09-cv-1299-RWS
)	
CITY OF PEVELY, MISSOURI,)	
)	
Defendant.)	

PLAINTIFF'S PROPOSED SCHEDULING PLAN

COMES NOW Plaintiff, by and through counsel, and respectfully submits the following
Proposed Scheduling Plan:

I. Introduction

This proposed scheduling plan is submitted only by Plaintiff. Plaintiff's counsel has attempted to contact Defendant's counsel on several occasions since November 17, 2009, by phone and by letter, about preparing a Joint Proposed Scheduling Plan; however, there has been no response.

Plaintiff respectfully requests that this Court consider deferring entry of a full scheduling order until this Court has an opportunity to address Plaintiff's Second Motion of Partial Summary Judgment. (Doc. # 11).

II. Proposed Scheduling Plan:

- A. The case is appropriately assigned to Track 2 (Standard).
- B. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than March 1, 2010.

C. Disclosure shall proceed in the following manner:

1. The parties shall make all disclosures required by Rule 26(a)(1), Fed.R.Civ.P., no later than January 11, 2010.
2. The timing and procedures for disclosure of expert witness shall be as follows:
 - (a) Plaintiff shall disclose all expert witnesses (other than rebuttal experts), if any, and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than January 11, 2010, and shall make expert witnesses available for depositions, and have depositions completed, no later than February 22, 2010.
 - (b) Defendant shall disclose all expert witnesses and provide reports required by Rule 26(a)(2), Fed.R.Civ.P., not later than February 22, 2010, and shall make expert witnesses available for depositions, and have depositions completed no later than March 22, 2010.
 - (c) Plaintiff shall disclose rebuttal experts and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than April 26, 2010, and shall make rebuttal experts available for depositions, and have depositions completed, no later than May 24, 2010.
3. The presumptive limit of 25 interrogatories per party as set forth in Rule 33(a), Fed.R.Civ.P., shall apply.
4. The presumptive limit of ten depositions per side as set

forth in Rule 20(a)(2)(A), Fed.R.Civ.P., shall apply.

5. There will be no requests for physical or mental examination of parties pursuant to Rule 35, Fed.R.Civ.P.

6. The parties shall complete all discovery in this case no later than June 21, 2010.

D. Any dispositive motions or motions to exclude evidence must be filed no later than August 2, 2010. Opposition to any dispositive motion will be filed within twenty days after the filing of the motion. The reply brief, if any, will be filed within ten days after the memorandum in opposition is filed.

II. Alternative Dispute Resolution

Plaintiff does not believe that referral of this case to mediation or early neutral evaluation would be appropriate.

III. Trial:

This action will be ready for non-jury trial November 15, 2010. It is anticipated that the length of time to try the case to verdict is two days.

Respectfully submitted,

/s/ Anthony E. Rothert
ANTHONY E. ROTHERT #518779
American Civil Liberties Union of Eastern Missouri
454 Whittier Street
St. Louis, Missouri 63108
(314) 652-3114
FAX: (314) 652-3112
E-Mail: tony@aclu-em.org

CERTIFICATE OF SERVICE

The undersigned certifies that on December 14, 2009, he filed the foregoing document with the Clerk to be served by operation of the CM/ECF system upon the following:

David M. Korum
222 South Central Avenue
Suite 804
St. Louis, Missouri 63105

/s/ Anthony E. Rothert